

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Derrick S. Wilkerson,

Civil No. 07-249 (RHK/FLN)

Plaintiff,

ORDER

v.

Michael J. Astrue, Commissioner
of Social Security,

Defendant.

Having reviewed de novo the December 3, 2007, Report and Recommendation of Magistrate Judge Franklin L. Noel and Plaintiff's Objections thereto, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Plaintiff's Objections (Doc. No. 23) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 21) is **ADOPTED**;
3. Plaintiff's Motion for Summary Judgment (Doc. No. 14) is **DENIED**;
4. Defendant's Motion for Summary Judgment (Doc. No. 18) is **GRANTED**; and
5. The Commissioner's decision is **AFFIRMED**.

Dated: February 8, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge